

## ARTICLE V.

### SCHEDULE OF DISTRICT, USE, AND SETBACK REGULATIONS

#### Sec. 30-100. Single Family and Two-Family districts.

##### (a) Purpose and Uses.

District Purpose	Main Permitted Uses	Conditional Uses	Accessory Uses	Prohibited Uses
These districts are designed to protect the character of Single Family and Two-Family homes.	VR, VE, and IR Districts: Single Family Dwelling PS District: Single Family and Two-Family attached Dwelling	None	Any Use that is customarily associated with the Main Permitted Use (see section 30-111).	Any Use not listed as a Main Permitted Use, Conditional Use, or Accessory Use (see section 30-113).

##### (b) Development Regulations.

Regulation	VR Village Residential	VE Village Estate	IR Island Residential	PS Parkside Residential
Lot Frontage	Minimum as platted* Maximum two platted Lots*	Minimum as platted* Maximum two platted Lots*	Minimum as platted* Maximum two platted Lots*	Minimum as platted* Maximum two platted Lots*
Lot Area	Minimum 7,500 sq. ft. or as platted* Maximum two platted Lots*	Minimum 10,000 sq. ft. or as platted* Maximum two platted Lots*	Minimum 10,000 sq. ft. or as platted* Maximum two platted Lots*	Minimum 7,500 sq. ft. or as platted* Maximum two platted Lots*
Minimum Pervious Area (% of Lot)	30%	30%	30%	30%
Maximum Lot Coverage	One Story residences, 45% Multistory residences, 35% Porches and landings that are completely open on at least two sides, with the exception of railings and balustrades, shall not be included in the Lot Coverage calculation. (See Lot Coverage definition.)			
Maximum Floor Area Ratio (FAR)	.47 For new construction on vacant Lots and Development that exceeds 50 percent of the assessed value of the Building the following shall apply:			
	Base FAR .30 for Developments on one platted Lot in the VR and PS districts. .36 for Developments in the VE and IR districts. .13 for Developments on more than one platted Lot.			
	Notwithstanding the above, the base FAR for a One Story Home is .36.			
	Maximum FAR .47 for Developments on one platted Lot.** .35 for Developments on two platted Lots.**			
Gross Floor Area	.65			

\* Platted as of the effective date of this section (October 24, 2000).

\*\* Except where said platted lot was created by the resubdivision (through platting or otherwise) of two or more platted lots, from and after October 10, 2006. Said newly created lot shall be deemed to be two platted lots and limited to a maximum FAR of .35.

A development may exceed the base FAR but contain no more than the maximum FAR as set forth above subject to an administrative determination by the Building, Zoning, and Planning Director that the design meets one or more of the below criteria.

The FAR bonus must be listed on the Site Plan page and approved by the plans reviewer and the Building, Zoning and Planning Director. No certificate of occupancy or completion shall be issued unless the completed development includes each of the bonuses listed on the approved

Site Plan.

*VR and PS Districts:* Designs that do not receive both bonuses 3 and 11 shall be assigned a minus .10.

*VE and IR Districts:* Designs that do not receive bonus 11 shall be assigned a minus .10.

	Criteria	FAR Increase
1.	Porch facing a <u>Street which meets the following minimum standards: width 8 ft., Floor Area 120 sq. ft., elevation shall not exceed the Base Flood Elevation, steps setback 5 ft. from any property line.</u>	.00005 per sq. ft. of Floor Area to a maximum of .03 FAR increase
2.	Open and unenclosed balconies located above the first finished floor	.00005 per sq. ft. of Floor Area to a maximum of .03 FAR increase
3.	<del>Building located 15-20 ft. from a front of property line.</del> <u>Front yard setback bonus.</u>	<del>.006 For every foot the Main Permitted Use is setback less than 20 ft. to a minimum of 15 ft.</del>  <del>.001 per linear foot of frontage of a Wall that is located 15-20 ft. from a property line (maximum .03)</del>
4.	Garage or Carport containing two or more vehicles parked parallel with an exterior column separating each of the spaces	.03
5.	Single Story Home	.03
6.	Combination One and Two Story Home with the second floor occupying less than 50 percent of the Floor Area of the first floor under roof	.10
7.	Entrances to Parking garages:	
	Interior Lot: placed in a location that does not face the Street.	.02
	Corner Lot: entrance in a Side Yard	.02
8.	All windows above the first floor facing an adjacent Building which are -five ft. above the finished floor	.01 per side
	or if all Building Walls along the interior side of a property do not have windows	.03 per home side
9.	Side Yard Setback which:	
	a. Exceeds the required Yard	.00005 per each sq. ft. to a maximum of .03
	b. Has a minimum 15 ft. Side Yard Setback	.03
10.	<del>Building located within 15-20 ft. of the rear Lot line.</del> <u>Rear yard setback bonus.</u>	<del>.001 per linear foot of a Wall located 15-20 ft. from the rear property line with a maximum of .03</del>  <u>.003 For every foot the Main Permitted Use is setback less than 25 ft. to a minimum of 15 ft.</u>
11.	VR and PS Districts: Structures that provide a front Setback of less than <del>25</del> <u>20</u> ft. which have a roof at least three ft. lower than the roof of the main Structure	.03
	IR and VE Districts: A portion of the Building having a length of at least ten ft. with a Front Yard Setback that exceeds the required 25 ft. Setback	.0002 per sq. ft., maximum .03

12	Reduction in Building Height:	.006 per foot or fraction thereof with a maximum of .03
13	Reveals	.001 per sq. ft. with a .02 maximum
14	Moldings with a minimum width of 4 inches	.0001 per linear ft. with a .02 maximum

(c) *Building and Wall height.*

- (1) Maximum Building Height is 35 feet. The height of a Building shall be its overall height measured from the Base Flood Elevation to the highest point of the Building roof for Elevated Homes and from the crown of a road to the highest point of a roof for Non-Elevated Homes. ~~There shall be no limitation on the Number of Stories.~~

Maximum number of stories shall not exceed two (2) above the Base Flood Elevation; however, one (1) additional story is permitted subject to the following:

- a. The maximum Floor Area shall not exceed 15% of the Floor Area of the Main Permitted Use or 600 sq. ft. whichever is smaller.
- b. The second story tie beam shall be no higher than 27 ft. above the Base Flood Elevation (NOTE: THIS CONFLICTS WITH PARAGRAPH 2B BELOW)

- (2) Maximum exterior Wall height, length, and elevation of the lowest floor:

- a. The maximum exterior Wall height for a one Story Structure is 15 feet; however, nothing herein shall prevent vaulted or clearstory Walls with a maximum height of 22.5 feet.
- b. The maximum exterior Wall height is 22.5 feet above the the Base Flood Elevation for Elevated Homes and the lowest floor for Non-Elevated Homes.
- c. The maximum Wall height may be increased at a ratio 8:12 (up to the Maximum Building Height), as the Wall is Setback from the minimum Setback line.
- d. 25% of the entire wall shall have a setback that is at least 3 ft. greater than the remaining portion of the wall. Terraces, balconies and/or porches shall not be counted in determining the length of the wall.
- e. Wall above 22.5 ft. shall have a minimum of 60% of the surface open.

f. If a wall facing a yard exceeds 22.5 ft in height, an architectural feature that projects at least 2 ft. but not more than 4 ft. from that wall shall be placed at or below the 22.5 elevation. The architectural feature shall extend around the entire structure if the design permits this to occur.

g. The maximum elevation of the lowest finished floor is the Base Flood Elevation.

(3) Maximum elevation of an entrance to the Main Permitted Use in the front or side yard facing a street is the Base Flood Elevation.

~~(3)~~ (4) Exceptions to the maximum height requirements.

a. Chimneys, ~~and~~ flag poles, ~~belfries and ornamental towers~~: Ten feet above the highest point of the roof. The floor area of the ornamental towers shall not exceed 25 sq. ft.

b. Mechanical equipment, HVAC, and elevators: Ten feet above the highest point of the roof, shall be completely screened from a view measured at the front property line on the opposite side of the Street from the Structure, the Director may require a line-of-sight study.

c. Each architectural feature shall not exceed three feet in height nor occupy more than three square feet in area.

d. Railings and balustrades shall not have a height that exceeds 42 inches and shall be open at least 50%.

(d) *Lot elevation.*

(1) *Generally.* For the purpose of regulating Lot elevations there is hereby established three zones. The "Front Zone" being the area between the Building and any adjacent Street(s) but in no event being less than 15 feet from any Street(s). The "Rear Zone" being the area from the Building to the interior and rear property line(s) (or to the waterfront zone, if applicable) and to the back of the "Front Zone." The "Waterfront Zone" being the entire area within 25 feet from any body of water.

(2) *Height.*

a. *"Front Zone."* When a Lot is filled for Development purposes the area delineated as the front zone may not be filled to an elevation greater than two feet above the average crown of road.

b. *"Rear Zone."* When a Lot is filled for Development purposes the area

delineated as the "Rear Zone" may not be filled to an elevation greater than 2 1/2 feet below the established B.F.E.

- c. *"Waterfront Zone."* When a Lot is filled for Development purposes the area delineated as the "Waterfront Zone" may not be filled to an elevation greater than six inches above the bulkhead; however in no instance shall the height of a bulkhead or Lot be raised to a height that exceeds the maximum elevation as established in the "Rear Zone".
- d. *Exclusions.* Where necessary for the implementation of septic systems the aforementioned requirements may be waived by the Director for that portion of the Lot required for the septic system. Under no circumstances shall said exclusions exceed minimum requirements for area and elevation.
- e. *Pools, pool Decks, Terraces.* Pools, pool Decks and Terraces which are located in compliance with the required Setbacks for all Structures and are above the height restrictions established in subsection (2) are included in the Lot Coverage calculation.
- f. Pools, pool Decks and Terraces which do not exceed height limitations as provided in subsection (2) and the required Setbacks for all Structures are not included in the Lot Coverage calculation.

(e) *Setback Regulations (minimum).*

Yard	VR Village Residential	VE Village Estate	IR Island Residential (Interior)	IR Island Residential (Waterfront)	PS Parkside Residential
Front	20 ft.*	25 ft.	25 ft.	25 ft.	20 ft.*
Rear	25 ft.*	25 ft.**	25 ft.	25 ft.	25 ft.*
Side, interior	<p>One Story: New construction or addition: 7.5 ft. 7.5 feet for an addition of a second or higher Story which contains less than 50% of the Floor Area of the first floor.**** Two stories or more: The sum of the Side Yard Setbacks shall not be less than 25% of the width of the Lot with no Side Yard less than 7.5 feet.</p> <p><u>Lots with a lot width of 100 ft. or more shall have no Sideyard less than 15 ft.</u></p>	<p>Non-waterfront Lots: One Story: New construction or addition: 7.5 ft. 7.5 feet for an addition of a second or higher Story which contains less than 50% of the Floor Area of the first floor.**** <del>Two stories or more: The sum of the Side Yard Setbacks shall not be less than 25% of the width of the Lot with no Side Yard less than 7.5 feet.</del></p> <p><del>Waterfront Lots All other construction: 15 ft.</del></p> <p><u>Single story additions may follow the existing setback for the first floor, but in no instance shall the setback be less than 7.5 ft.</u></p>	<p>One Story: New construction or addition: 7.5 ft. 7.5 feet for an addition of a second or higher Story which contains less than 50% of the Floor Area of the first floor.**** Two stories or more: The sum of the Side Yard Setbacks shall not be less than 25% of the width of the Lot with no Side Yard less than 7.5 feet.</p> <p><u>No side yard shall be less than 15 ft.</u></p>	<p>All stories: New construction or addition: 7.5 ft. The sum of the Side Yard Setbacks shall not be less than 30% of the width of the Lot.</p> <p><u>No side yard shall be less than 15 ft.</u></p>	<p>One Story: New construction or addition: 7.5 ft. 7.5 feet for an addition of a second or higher Story which contains less than 50% of the Floor Area of the first floor.**** Two stories or more: The sum of the Side Yard Setbacks shall not be less than 25% of the width of the Lot with no Side Yard less than 7.5 feet.</p>
Side facing a Street	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.

\* Allowable 15-foot Front and Rear Yard Setback subject to the requirements of the table below.  
~~The 15-foot rear Setback requires the installation of a dense landscape screen with a height of at least ten feet at time of planting.~~

Number of Stories	Height of Wall	Wall Length
1	15 ft.***	40% of the width of the Lot
2 or more	22.5 ft.	34% of the width of the Lot
Garages	Shall provide a 20 ft. Setback if the entrance faces a Street; The elevation facing the Street shall appear as an integral residential part of the Structure including windows and finishes.	

\*\* Within the Village Estate District the following properties shall provide a Waterway Setback of 50 feet: 200--290 Harbor Drive.

\*\*\* However, nothing herein shall prevent vaulted or clearstory Walls with a maximum height of

22.5 feet.

\*\*\*For a tri-level home, the portion of the floor area associated with the half level shall not count as part of the second story floor area.

(f) *Permitted encroachments in Required Yards.*

(1) *Boat storage.*

- a. The term "boat" as used herein includes vessels and other watercraft, as defined in F.S. § 327.02(36).
- b. Boats less than 26 feet in length, not more than 96 inches in width and 13 feet six inches in height (bottom of hull to the highest point on the boat including Towers and T tops), may be stored in the VR, VE, IR, and PS zoning districts subject to all the following conditions:
  1. No more than one boat may be stored on any one Lot unless stored in an enclosed garage; and
  2. Boats and place of boat storage shall be kept in a clean, neat and presentable condition; and
  3. No major repairs or overhaul Work on or for a boat shall be made or performed on the Lot; and
  4. The boats shall not be used for living quarters, and shall be placed on and secured to a transporting Trailer, however, nothing herein shall authorize the Parking of a Trailer on any Lot without a boat. Personalized watercraft (jet ski, waverunner or similar watercraft) as defined in F.S. § 327.39 are required to be placed on a Trailer pursuant to this section (canoes as defined in F.S. § 327.02(3) are not required to be placed on a Trailer); and
  5. Boats stored in a Yard that faces a Street shall comply with the following: The Trailer wheels shall be placed on a hard paved surface and the boat shall be perpendicular to the house.

(2) *Decks, pools, and screen enclosures.*

- a. Decks shall provide a five-foot Setback to any Lot line; 0 feet Rear Yard Setback for waterfront.
- b. Decks and swimming pools shall not exceed a height greater than that allowed for the Maximum Lot Elevation. If located outside of the required

yard, the height shall not exceed finished floor elevation.

c. Pools. Swimming pools, shall be subject to the following Setback limitations and shall not exceed a height greater than that allowed for the Maximum Lot Elevation:

Yard	VR Village Residential	VE Village Estate	IR Island Residential (interior)	IR Island Residential (waterfront)	PS Parkside Residential
Front	6.5 ft.	10 ft.	25 ft.	25 ft.	6.5 ft.
Rear	6.5 ft.	6.5 ft.*	6.5 ft.	6.5 ft.*	6.5 ft.
Side, interior	6.5 ft.	6.5 ft.	6.5 ft.	6.5 ft.	6.5 ft.
Side, Street	6.5 ft.	6.5 ft.	15 ft.	15 ft.	6.5 ft.

\*Waterfront Lots shall provide a four-foot Setback.

The foregoing Setbacks shall be measured from the water's edge.

d. Screen enclosures. Where a screen enclosure is used to enclose a pool or other area of a residence, it shall be limited in height to 22.5 feet and subject to the following Setback limitations:

Yard	VR Village Residential	VE Village Estate	IR Island Residential (interior)	IR Island Residential (waterfront)	PS Parkside Residential
Front	Not permitted except for Porches	Not permitted except for Porches	Not permitted except for Porches	Not permitted except for Porches	Not permitted except for Porches
Rear	5 ft.	25 ft.	5 ft.	25 ft.	5 ft.
Side, interior	5 ft.	5 ft.	7.5 ft.	15 ft.	5 ft.
Side, Street	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.

Notwithstanding the forgoing, the height of a screen enclosure shall not exceed 8.5 feet above the Base Flood Elevation at the rear and side Setback, with a gradual transition (8:12 ratio) to any greater height (up to the maximum height allowed).

(3) *Docks and mooring piles.*

a. General Regulations. No docking facility within the single family districts in the Village of Key Biscayne shall be constructed without prior written approval by the Village of Key Biscayne Building, Zoning and Planning Department. The Village reserves the right to deny such permit for any docking facility which is determined, under the criteria provided herein and by applicable law, to be detrimental to the equitable, safe, and adequate navigation of all Waterways in the Village.

1. All docks, davits, fenders, watercraft and mooring piles must be set back a minimum of ten feet from each side property line extended.
2. No mooring pile shall have a height exceeding 13 feet above NGVD (National Geodetic Vertical Datum) nor extend into the



waterway a distance more than 25 feet or 20 percent of the Waterway width at the point of extension, whichever is less.

3. All docks and mooring piles shall be constructed in accordance with Section D-5.03(2)(a) of the Dade County Public Works Manual (see diagram below). All watercraft or any portion thereof shall be docked or moored inside an area as depicted in the triangle diagramed below, and must be docked parallel to the bulkhead.

CODIEFIER: INSERT TRIANGLE GRAPHIC THAT IS IN THE CURRENT CODE

- ~~4. Mooring piles and Dolphins may not extend more than 20 feet from a dock. Mooring piles and Dolphins on Biscayne Bay shall not extend more than 25 feet from the bulkhead.~~
- ~~5. No dock shall extend from a bulkhead into any canal, lake, waterway a distance greater than 10 feet, or ten percent of the width of the waterway, whichever is less.~~

4. Maximum Dock Extensions from a Bulkhead Line

- a. Canal. No dock shall extend from a bulkhead into any canal a distance greater than 10 feet, or ten percent of the width of the waterway, whichever is less.
- b. Hurricane Harbor and Smuggler's Cove. No dock shall extend from a bulkhead into Hurricane Harbor or Smuggler's Cove a distance greater than 20 ft. or 10% of the waterway, whichever is less.
- c. Biscayne Bay. No dock shall extend from a bulkhead into Biscayne Bay a distance greater than 25 ft. However, if the owner obtains the written approval from the adjacent property owners and if the County agency responsible for issuing environmental approvals requires the dock to project further than 20 ft., then the dock may extend to 40 ft. into Biscayne Bay.
- d. For boats and mooring piles associated with docks in Hurricane Harbor, Smuggler's Cove, and Biscayne Bay to extend beyond the above triangle, the owner must obtain the written approval from the adjacent property owner.
- e. When a dock is permitted to extend beyond 25 ft., the regulations listed in paragraph 3 above shall not apply.

~~Notwithstanding the foregoing, no dock or mooring pile shall extend into Biscayne Bay a distance of more than 25 feet from the bulkhead.~~

- f. If the bulkhead line is an arc, the projection may exceed the maximum as long as the average projection does not exceed the maximum permitted projection for the waterway.

- 6. Where the width of a waterway does not permit the placement of a dock or outer mooring pile, fender mooring piles may be placed at a distance not to exceed 18 inches from the bulkhead.

(4) *Driveway and Parking criteria.* The following provisions shall apply to all single Family and Two-Family Developments:

- a. *Points of Access.* Except on a Corner Lot, all driveways shall be limited to two points of connection at the intersecting Right-of-Way. On a Corner Lot, a third point of connection shall be permitted so long as there are not more than two points of connection along one Street.
- b. *Driveway material.* All driveways shall be paved or covered with a hard surface such as but not limited to concrete, pavers, bricks, tile, pea rock, gravel and similar materials, but not asphalt. This paving requirement applies to the construction of new single Family and Two-Family Homes on vacant Lots or any Work on existing homes which costs 50 percent or more of the assessed value of the property. Driveways, which are paved with asphalt, are permitted to be retained unless the value of renovation Work exceeds 50 percent of the assessed value of the property. Aprons (edge of pavement to property line) shall have the same finish as the driveway or asphalt; however, pea rock is not permitted.
- c. *Setbacks.* All driveways shall be set back at least five feet from any side property line. All circular driveways shall be set back at least two feet from any front and/or property side Street property line. On Corner Lots, driveways shall be set back 15 feet from the extended Right-of-Way Intersection.
- d. *Width.* A maximum width of 24 feet is permitted for single Family and 36 feet for Two-Family Homes for a Lot with 75 feet or less of frontage at the property line. For all other Lots the width of a driveway or combination of driveways at the point of intersection with the Right-of-Way shall not exceed the lesser of 36 feet or 32 percent of the Lot's frontage, including side Street frontage on Corner Lots.

No Commercial Vehicle shall be parked or stored overnight except in a garage or

Carport; however one vehicle that is used for commercial purposes may be placed on the property. A Sign measuring no more than three square feet may be placed on either side of such vehicle.

(5) *Fences and Walls.*

a. *Generally.* For purposes of regulating perimeter fences and Walls, there are hereby established three zones. The "Front Zone" being the area between any Building and the adjacent Street(s) but in no event less than 15 feet from the Street, and the "Rear Zone" being the area from the back of the Front Zone to the rear property line, or to the waterfront zone (if applicable), and the "Waterfront Zone" being the entire area within 25 feet from any Waterway.

b. *Maximum height.*

1. *Front Zone.* The height of a fence or Wall between any Building and ~~adjacent Streets or~~ side Lot line shall be six feet as measured from the crown of the road, except arches, columns, gates and other ornamental entry features may extend to eight feet in height. When facing a street in the Front and Side Zones, the following applies:

- a. Maximum height is 4 ft. above Grade.
- b. Minimum setback is 2 ft. if a sidewalk is present, otherwise 0 ft.
- c. Shall be at least 75% open.

2. *Rear Zone.* The maximum height of a fence or Wall is six feet measured from the average elevation of the Lot but in no instance shall the height exceed eight feet when measured from the Adjacent Property, except arches, columns, gates and other ornamental entry features may extend to eight feet in height.

3. *Waterfront Zone.* Four feet measured from the elevation of the lowest point of the Rear Yard.

c. *Fence finish materials and restrictions.*

1. All Walls shall be finished on all side(s). Masonry Walls shall be stuccoed and painted, except where adjacent and contiguous to an existing Wall or fence. The owner shall provide documentation to the Building, Zoning and Planning Director that a good faith effort was made to obtain the adjacent owner's approval to stucco or paint the fence on the adjacent property.

2. Wood shall have the structural side of the fence facing the interior of the property.
3. Chain link fences associated with court games are permitted in pursuant to subsection ~~(21)~~ (22). Where permitted, chain link fences shall be coated with black or green finish materials.
4. ~~Perimeter Walls and fences (including chain link) which face a Street shall be screened with a hedge (which may be placed within the swale if in accordance with Chapter 21, "Public Rights of Way) except for Walls and wood fences which are painted on both sides with a maximum height of 42 inches. At time of planting, the hedge shall have a maximum height of 24 inches, planted on 24 inch centers.~~

Perimeter Walls and wood fences which face a Street shall be screened with a hedge that at time of planting shall have a minimum height of 24 inches and planted on 24 inch centers.

Chain link fences which face a street shall have a hedge that at time of planting has a height equal to the height of the chain link fence and and shall be planted on 24 inch centers.

5. ~~Walls and wood fences which are~~ shall be painted on both sides.

(6) *Front Yard encroachments.*

- a. Fountains: One with a maximum height of five feet occupying no more than 100 square feet with the following Setbacks: front, five feet; interior side, five feet; and side facing a Street, ten feet.
- b. Decorative in-ground reflecting pool: One with a maximum depth of one foot with the following Setbacks: front, five feet; interior side, five feet; and side facing a Street, ten feet.
- c. Streetlight: Maximum height of ten feet and no limit on the Number.
- d. Basketball pole or similar court games: Five feet from a side Lot line.
- e. Sculpture or other structure: one with a height of 5 ft. above Grade occupying no more than 10 sq. ft.

(7) *Gazebos and accessory Structures.*

- a. Maximum height: Ten feet Wall height above the Maximum Lot Elevation.
- b. Location: Not permitted in the Front Yard.
- c. Setbacks, Side Yard: Same as the Main Permitted Use. However, the required Rear Yard Setback is ten feet.
- d. Size: 200 square feet.
- e. Construction materials: Limited to concrete, block, stucco, wood, and brick or similar materials. Aluminum, sheet metal, fiberglass are prohibited.
- f. Roof top Access: Prohibited.
- g. Number: One.
- h. Waterfront view corridor: No Structure shall be permitted within an isosceles triangle with each side measuring 25 feet at the intersection of the rear and side Lot lines.

(8) *Hedges.* No height or Setback limitations, except for the line-of-sight requirements contained in Chapter 21 of this Code.

(9) *Heating, ventilation, and air conditioning equipment Setback Regulations.* The use and location of heating, ventilation, and air conditioning equipment (HVAC) and swimming pool equipment shall be limited as follows: HVAC compressors are subject to the following Setback limitations:

Yard	VR Village Residential	VE Village Estate	IR Island Residential (interior)	IR Island Residential (waterfront)	PS Parkside Residential
Front	<del>10 ft. Not permitted</del>	<del>20 ft. Not permitted</del>	<del>20 ft. Not permitted</del>	<del>20 ft. Not permitted</del>	<del>15 ft. Not permitted</del>
Rear	10 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Side, interior	4 ft.	4 ft.	4 ft.	10 ft.	4 ft.
Side, Street	<del>10 ft. Not permitted</del>	<del>10 ft. Not permitted</del>	<del>10 ft. Not permitted</del>	<del>10 ft. Not permitted</del>	10 ft. <del>Not permitted</del>

Additionally, HVAC compressors shall be installed on an acoustically soundproofed base or ledge with a structural visual screen ~~from the Right of Way at the front of the Lot and a solid acoustical screen from the Adjacent Property~~ around all open vertical sides of the unit(s). The ~~acoustical~~ screen shall extend at least one foot above the top of the compressor and shall be painted the color of the house or duplex.

(10) *Motor Homes and Trailers.* No vehicle that has accommodations that permits it to be inhabited overnight shall be permitted unless it is stored in a garage or Carport.

- (11) *Pavers and walkways in Side and Rear Yards.* ~~Pavers or other walkway material may be placed within the Side or Rear Yard so long as they do not materially affect the drainage characteristics of the area. The maximum width of the walkway is five feet but in no instance shall the Setback be less than four feet.~~

The maximum width shall be 3.5 ft.

- (12) *Porches, Porte-Cocheres, and Carports/Carport Canopies Setback Regulations.*  
The following uses are permitted to encroach into Required Yards subject to the following Setbacks:

Use	VR Village Residential	VE Village Estate	IR Island Residential	PS Parkside Residential
Porches	10 ft.*	10 ft.	15 ft.	10 ft.*
Porte-Cocheres	10 ft.	10 ft.	15 ft.	10 ft.
Carports/Carport Canopies	10 ft.*	10 ft.	15 ft.	10 ft.*

\*If a development has a Porch and a Carport, then one of these shall provide a 15-foot Setback.

The placement of the above uses in Required Yards are subject to the following height, area, and design requirements:

- a. Porches. The maximum width of any Porch or combination of Porches may not exceed 60 percent of the Average Lot Width. The maximum Wall height of Porches shall not exceed 14 feet above the maximum permitted Base Flood Elevation.
  - b. Carports and Porte-Cocheres which encroach into the principal Building Setback are limited to 500 square feet in area and only one such encroachment is permitted per Street frontage. The maximum height (to top of Structure) of Carport and Porte-Cochere encroachments shall not exceed 14 feet above the maximum permitted Lot elevation.
  - c. Carports, Porches and Porte-Cocheres shall not form an integral part of the principal roof Structure.
- (13) *Projections.* The following Structures are permitted to project into a Required Yard for a distance not to exceed 25 percent of said Yard with a maximum projection of six feet: Awnings, balconies, bay windows (maximum width of ten feet), canopies, chimneys, cornices, sills, walkways and other architectural features that the Building, Zoning, and Planning Director has determined are consistent with this subsection. If steps and landings are located in a required Side Yard, the maximum projection is 3.5 feet; however the width of Side Yard at the location of the steps and landing shall be a minimum of four feet. If a perimeter Wall or landscaping is not located along that portion of Side Yard which faces the

steps, then the side of the steps shall be enclosed with a solid Wall or landscaping.

(14) *Room additions to residential Structures and conversions of garages or Carports to living space.* Are permitted subject to the following:

- a. Conversion of detached or attached garages, Carports or other Accessory Structures for the purpose of creating living space shall be permitted only if the newly created living space is consistent with FEMA requirements.
- b. If the required off-street Parking is deleted or rendered unusable by a conversion or addition, it shall be replaced in a manner consistent with Article VII.
- c. If the Building, Zoning, and Planning Director determines that the plans indicate that future conversion may result in additional Dwelling Units not in compliance with these Zoning and Land Development Regulations, the Director may deny the plans outright, or may approve the plans with a requirement that the property owner file in the public records of Miami-Dade County, a deed restriction in a form acceptable to the Village Attorney, acknowledging the specific limitation as to the number of lawful Dwelling Units and declaring an intent to comply with such limitations, as well as advising any successor in interest of such binding limitations.
- d. For purposes of this subsection, the floor space shall not:
  1. be used as a separate Dwelling Unit;
  2. have separate Cooking Facilities; but
  3. may have a separate entrance so long as it (entrance) does not face a Street.
- e. If a garage or Carport is converted to living space, all exterior work shall have the same architectural style as the main residence.

(15) *Steps in Front Yard.* Steps in the Front Yard shall have a maximum width of ten feet and setback a minimum distance of 5 ft. from the front property line.

(16) *Retaining Wall, required.* A retaining Wall shall be provided ~~in the following instances:~~

- ~~a.~~ where any portion of a Lot that has an elevation of two feet or more above the crown of the road.
- ~~b.~~ ~~If a drain field is placed in the Front Yard.~~

- (17) *Roof, roof overhangs and rooftop uses.* Principal Building roofs in all single Family districts shall adhere to the following Regulations:
- a. Hip roofs shall be symmetrically pitched between 4:12 and 8:12 ratios.
  - b. Gable end roofs shall be symmetrically pitched between 6:12 and 12:12 ratios. Profile molded gables may be pitched to a 4:12 minimum ratio.
  - c. Flat roofs shall have a minimum Parapet height of one foot.
  - d. Shed Roofs shall have a minimum pitch of 3:12 ratio.
  - e. No portion of a roof, including the gutter shall be permitted to extend ~~beyond five feet from the exterior Wall of a Building, nor may any portion of a roof extend~~ closer than 3 1/2 feet from any interior side property line, ~~nor 2 1/2 feet from the front or side Street property line.~~
  - f. When a scupper drainage system is used in connection with a flat roof, the scupper cannot be located closer than 7 1/2 feet from any property line.
  - g. ~~Recreational uses: No recreational facilities shall be permitted on the roof of any Structure within the single Family zoning districts.~~
  - h. New pitched roofs shall not use gravel or tar except for the re-roofing or repairs of existing areas.
- (18) *Satellite dish antennas.* These antennas shall comply with the following Regulations:
- a. Shall not have a diameter that exceeds one meter.
  - b. Shall be placed in a location to minimize its view from any public Street.
  - c. Shall employ, to the maximum extent possible, materials and colors that blend with the Building and surroundings.
- (19) *Sheds.*
- a. Maximum Height: 7.5 feet above the Maximum Lot Elevation.
  - b. Location: Not permitted in the Front Yard. Sheds are also not permitted in any Side Yard facing a Street unless it is behind a Wall or landscaping that prevents the shed from being seen from the road.



- c. Setbacks: Side, 7.5 ft.; side facing a Street, 15 feet; rear, five feet; however, the side and rear setback may be 2 ft. if a dense hedge planted 5 ft. high is installed at the time the shed is placed on the property.
- d. Size: 100 square feet.
- e. Roof top Access: Prohibited.
- f. Number: One.
- g. Waterfront view corridor: Waterfront properties shall provide the following: No Structure shall be permitted within an isosceles triangle with each side measuring 25 feet at the intersection of the rear and side Lot lines.

(20) *Solar heating panels.* All solar panels shall be visually screened from the adjacent right(s)-of-way, or set into the roof so that the upper roof surface abuts the side of the solar panel.

(21) *Swimming pool pumps, heaters, and similar equipment.* These uses are permitted to encroach into Required Yards subject to the following Setbacks for Side Yards measured from the water's edge:

Yard	VR Village Residential	VE Village Estate	IR Island Residential (interior)	IR Island Residential (waterfront)	PS Parkside Residential
Front	Not permitted**	Not permitted**	Not permitted**	Not permitted**	Not permitted**
Rear	2 ft.	2 ft. 0 ft. if waterfront	2 ft.	2 ft. 0 ft. if waterfront	2 ft.
Side, interior*	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.
Side, Street*	2 ft. if behind an opaque Wall, otherwise not permitted	2 ft. if behind an opaque Wall, otherwise not permitted	2 ft. if behind an opaque Wall, otherwise not permitted	2 ft. if behind an opaque Wall, otherwise not permitted	2 ft. if behind an opaque Wall, otherwise not permitted

\*If the equipment is located in a Side Yard, landscaping shall be planted which obscures views of said equipment. Additionally, where said equipment is located along any Street frontage it must be visually screened from the public Right-of-Way.

\*\*If a pool is permitted pursuant to section 30-100(f)(2), the equipment shall be at least two feet from the side property line, but in no instance shall it be placed in a location that allows it to be seen from the Street.

(22) *Tennis court and similar court games.* The following Regulations shall apply for fences, lightpoles, or other Accessory Structures associated with court games:

- a. Front Yard or Sideyard facing a street: Not permitted.

- b. Required Side and Rear Yard: Maximum height of fences shall be ten feet and fences shall be set back 7.5 feet from the interior Side or Rear Yards. When the fence faces a Street, the maximum height shall be ten feet and the fence shall be set back at least 15 feet from the property line.
  - c. Accessory lighting fixtures, when customarily associated with the use of court games, shall be Erected so as to direct light only the Premises on which they are located. The maximum height of light fixtures shall not exceed ten feet when located in a Required Yard; otherwise, the maximum height shall not exceed 20 feet. Light is not permitted to be cast on any public Right-of-Way.
  - d. All chain link fences shall be coated with green or black materials.
  - e. Any play surface, whether paved or unpaved, when associated with said court games, shall have the following minimum Required Yards: front, not permitted; interior side, 7.5 feet; any side facing a Street, 15 feet; rear, 7.5 feet.
- (23) *Utility lines on private property.* Developments on vacant Lots and additions and rehabilitation Work where the value of Work exceeds 50 percent of the assessed value of the Building, shall have all overhead utility lines (power, cable, telephone, etc.) placed underground.
- (24) *Waterfront view corridor.* No Structure shall be permitted within an isosceles triangle with each side measuring 25 feet at the intersection of the rear and side Lot lines; however, a hedge, Wall, or fence with a maximum height of four feet is permitted.
- (25) *Pipes soffit enclosure: Pipes located below a ceiling that can be seen from the street shall be enclosed in soffit.*
- (26) *Garages facing a street:*
- a. *Lot width 80 ft. or less: No more than one (1) parking space in a garage shall have direct access to the street with a minimum 20 ft. setback.*
  - b. *Lot width greater than 80 ft. Garage doors shall not face a street. The minimum required setback shall be 10 ft. The wall facing a street shall have windows that match those in the Main Permitted Use.*
- (27) *Railing Required.* Whenever the Florida Building Code requires a railing, it shall be at least 50% open.
- (28) *Balcony Regulations.*

- a. Railings or walls shall be at least 50% open.
- b. When facing a street, the minimum projection (depth) shall be 4 ft.

(29) Generator Regulations.

- a. Not permitted in any yard that faces a street.
- b. Maximum decibel level is 60 db measured at the property line.
- c. Generators that were permitted prior to the adoption of this ordinance which produce a noise greater than 60 decibels measured at the property line shall not be permitted to operate from 11:00 p.m. to 7:00 a.m. on any day of the week. The Building, Zoning, and Planning Director may grant an exception to the time limitations if an occupant of the building can provide a written statement from a physician that includes the medical condition which requires the residence to be air-conditioned.

(30) Light. All light shall be contained on the property.

(g) *Supplemental Use Regulations in single Family and PS Parkside residential districts.*

(1) *Bed and Breakfast Inns.* Subject to the following Regulations:

- a. It is located in an existing single Family Building with a Floor Area not exceeding 2,000 square feet and built prior to the adoption of this ordinance (October 24, 2000);
- b. The owner of the Bed and Breakfast Inn shall permanently reside in the Building;
- c. The Structure shall maintain public rooms (living room/dining room) for use of the guests;
- d. There shall be no Cooking Facilities in guest rooms with the exception of a microwave oven. One refrigerator with a maximum capacity of five cubic feet shall be permitted in each guestroom;
- e. Breakfast shall be the only meal served on the Premises and shall only be served to registered guests. No other meals shall be provided. The room rate shall be inclusive of meal if it is to be made Available;
- f. The entire Building shall be substantially rehabilitated and conform to the South Florida Building Code, the Code of the Village of Key Biscayne, and the Fire Prevention and Life Safety Code on the date a certificate of use and Occupational License are applied for;
- g. One non-illuminated Building identification Sign is permitted. The Sign

shall not exceed one square foot and shall only be located on the Building;

- h. The Building shall have central air conditioning;
- i. The required off-street Parking shall be the same as for a single Family residence. The Building, Zoning, and Planning Director may require additional Parking only if the single Family character of the property is maintained with adequate landscaping and open space. Tandem Parking is allowed. The Parking area shall have a hard surface as required in section 30-180(f); and
- j. These Regulations apply to those facilities, which may be operating, but without any approval from the Village. They are required to comply with these Regulations within 90 days from the date this ordinance is adopted (October 24, 2000). These Regulations also apply to prospective facilities.
- k. The Building, Zoning, and Planning Director may place conditions on this use to ensure that it is compatible with surrounding properties.

(2) *Community residential facilities.*

- a. Total Number of residents and/or day users is limited to six;
- b. That the applicant must obtain a license from the State regulatory agency responsible for the Regulation of such uses;
- c. A certificate of use and an Occupational License shall be required. No such certificates shall be issued unless the Fire Department approves the issuance of said certificates. The care provided at the facility limited to personal care, shelter, sustenance, and other support services. Residents and day clients shall be ambulatory; and
- d. The Building shall have central air conditioning.

(3) *Day care facilities.*

- a. Total Number of children on the Premises at any given time, including those who reside in the residence, shall not exceed six;
- b. That the age of children, excluding those of the resident Family, shall not exceed 11 years of age;
- c. That the applicant obtain a license from the State regulatory agency responsible for the Regulation of such uses; and

- d. A certificate of use, a Certificate of Occupancy, and an Occupational License shall be required. No such certificates shall be issued unless the Fire Department approves the issuance of said certificates.
- e. If a swimming pool is present, fencing shall include a self-closing and locking gate, 42 inches high with vertical members every four inches on center surrounding the entire pool.
- f. These Regulations apply to those facilities that may be operating but without approval from the Village. These facilities are required to comply with the above Regulations within 90 days from the date this ordinance (October 24, 2000) is adopted. These Regulations also apply to prospective facilities.
- g. Hours of operation shall be limited to 8:00 a.m.--7:00 p.m., Monday through Friday. Day care facilities shall not be operated on national holidays.

(4) *Home occupations.*

- a. Signage on the property or on watercraft is prohibited. Internet websites and internet advertising is permitted.
- b. No customer may be served in the home.
- c. Employees in the business are limited to full time residents of the Dwelling Unit.
- d. The business requires a Village Occupational License.

(h) *Grand Bay Estate Development Regulations.* The following Regulations shall apply to this Development consistent with the approved Site Plan:

(1) *Setbacks.*

Regulation	Front (ft.)	Side, Interior (ft.)	Side, Facing Street (ft.)	Rear (ft.)
Principal Building	20	5	5	20
Porches, Porte-Cocheres, Carports/Canopies	10	10	10	10
Mechanical Equipment	10	3	10	10
Swimming Pool Pumps and Equipment	10	3	10	10
Pool Decks	5	5	5	5
Swimming Pools	5	5	5	5
Screen Enclosures	20	5	15	5
Accessory Buildings	15	5	5	5

(2) *Development Regulations.*

Regulation	Requirement	Regulation	Requirement
Minimum Lot Frontage	45 ft.	Maximum Lot Coverage	40%
Minimum Lot Area	6,000 sq. ft.	Maximum Floor Area Ratio	.68
Minimum Pervious Area	25%		

(i) *Grand Bay Villas Development Regulations.* The following Regulations shall apply to this development consistent with the approved Site Plan:

(1) *Setbacks.*

Regulation	Front (ft.)	Side, Interior (ft.)	Side, Facing Street (ft.)	Rear (ft.)
Principal Building	20 ft. for 50% of width of bldg. 10 ft. for remainder	0 ft. one side 10 ft. one side	15 ft.	one Story 15 ft. two Story 20 ft.
Porches, Porte-Cocheres, Carports/Canopies	10 ft.	10 ft.	10 ft.	10 ft.
Mechanical Equipment	35 ft.	2 ft.	2 ft.	2 ft.
Swimming Pool Pumps and Equipment	35 ft.	2 ft.	2 ft.	2 ft.
Pool Decks	35 ft.	2 ft.	2 ft.	2 ft.
Swimming Pools	35 ft.	5 ft.	10% of Lot width, minimum 15 ft.	5 ft.
Screen Enclosures	20 ft.	4 ft., 0 ft. for zero Lot line sides	10 ft.	5 ft.
Accessory Buildings	10 ft.	5 ft.	5 ft.	5 ft.

(2) *Development Regulations.*

Regulation	Requirement	Regulation	Requirement
Minimum Lot Frontage	50 ft.	Maximum Lot Coverage	50%
Minimum Lot Area	5,000 sq. ft.	Maximum Floor Area Ratio	.80 Main .07 Porch
Minimum Pervious Area	20%		

~~(j) *Supplemental Landscaping Regulations.* These Regulations are in addition to those listed in Article 9. Single Family homes and Duplexes shall provide the following landscaping prior to the issuance of any type of occupancy or approval to occupy the Building. The landscaping shall be maintained and remain in place for the life of the Building. If the landscaping is replaced a permit is required and shall include materials that match the below specifications:~~

- ~~(1) One shade tree shall be provided for every 1,875 square feet. All shade trees shall have a six foot clear trunk or height of 12 feet. Palm trees may be used at a ratio of three per one shade tree, but in no instance shall the Front Yard have less than one shade tree and three palms, or two shade trees. All palms shall have a six foot clear trunk or height of 14 feet.~~

- ~~———— (2) In any Yard, which faces a Street, shrubs shall be provided at the ratio of 20 per tree, planted at a minimum height of 24 inches. Hedges shall be planted 24 inches on center with a continuous, unbroken, and solid screen.~~
- ~~———— (3) When the Structure has a side Wall in excess of 35 feet in length, there shall be a dense hedge along the property line adjacent to all portions of the Wall greater than 35 feet.~~
- ~~———— (4) The area within five feet of a side Lot line that is also within 25 feet of the rear property line shall be planted with a dense, landscape screen at a height of ten feet.~~
- ~~———— (5) For those portions of the Structure with a rear Setback of less than 25 feet, the area within five feet of the rear property line shall be planted with a dense, landscape screen at a height of ten feet.~~
- ~~———— (6) In ground irrigation system shall be provided.~~

#### Floor Area Ratio Schedule for Single Family and Duplex<sup>2</sup>

This table summarizes the FAR bonuses which are listed in subsection 30-100(b).

	Description			FAR
Applicability	The FAR Bonus Schedule is only applied to new construction on vacant Lots and Developments that exceed 50% of the assessed value of the Building. New Floor Area which does not meet this criteria shall not result in a site having a FAR that exceeds .47.			N/A
FAR Range	Base FAR	PS and VR Districts	One-platted lot <sup>22</sup>	.30
		VE and IR Districts	One-platted lot <sup>22</sup>	.36
		Any district	More than one-platted lot <sup>22</sup>	.13
		One Story Home regardless of zoning district or Number of platted Lots		.36
	Max. FAR	Developments on one-platted Lot <sup>22</sup>		.47
		Developments on two-platted Lots <sup>22</sup>		.35
	A Development may exceed the base FAR but contain no more than the maximum FAR as set forth above subject to an administrative determination by the Building, Zoning, and Planning Director that the design meets one or more of the below criteria.			
FAR Reduction	VR and PS Districts: Designs that do not receive bonuses 3 and 11			-.10
	VE and IR Districts: Designs that do not receive bonus 11			-.10
Site Plan	The FAR bonus must be listed on the site plan page and approved by the plans reviewer and the Building, Zoning, and Planning Director.			Not applicable
Certificate of Occupancy Completion	No certificate of occupancy or completion shall be issued unless the completed Development includes each of the bonuses listed on the approved site plan.			Not applicable

Bonus Criteria	How to Calculate/Explanation		Maximum FAR
1.	Porch facing a Street	.00005 per sq. ft. of Floor Area on the Porch	.03
2.	Open and unenclosed Balconies located above the first finished floor	.00005 per sq. ft. of Floor Area on the Balcony	.03
3.	Building located 15-20 ft. from the front property line	.001 per linear ft. of frontage of a Wall that is located 15-20 ft. from the front property line	.03

4.	Building located within 15-20 ft. of the rear property line	.001 per linear ft. of frontage of a Wall that is located 15-20 ft. from the rear property line		.03
5.	Garage and Carport containing 2 or more vehicles parked parallel with an exterior column separating each of the spaces	Formula not required to determine this bonus		.03
6.	Single story home	Formula not required to determine this bonus		.03
7.	Combination One and Two Story Home	Second floor occupying less than 50% of the Floor Area of the first floor under roof		.10
8.	Entrances to Parking Garage	Interior Lot:	Placed in a location that does not face the Street	.02
		Corner Lot:	Entrance from a Side Yard	.02
9.	Location of windows	Windows located above the first floor which face an adjacent Building. These windows must be at least 5 ft. above the finished floor or		.01
		No windows facing an interior side property line		.03
10.	Side Yard Setback	VR and PS Districts:	.00005 per sq. ft. that exceeds the required Yard	.03
		VE and IR Districts:	15 ft. Setback	.03
11.	Front Building Walls	VR and PS Districts:	Structures that provide a Front Yard Setback of less than 25 ft. which have a roof at least 3 ft. lower than the roof of the main Building	.03
		VE and IR Districts:	A portion of the Building having a length of at least 10 ft. with a Front Yard Setback that exceed the required 25 ft. (.0002 per sq. ft)	.03
12.	Reduction in Building heights	.006 per ft. below the maximum height permitted		.03

<sup>24</sup> This schedule summarizes the FAR Bonuses which are listed in section 30-100(b).

<sup>\*\*</sup> Platted as of the effective date of this ordinance (October 24, 2000)  
(Ord. No. 2000-13, § 4, 10-24-00; Ord. No. 2002-6, § 1, 6-11-02; Ord. No. 2006-11, § 2, 11-14-06)